

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Charlotte Hanna, )  
 )  
 Plaintiff, )  
 )  
 v. ) COMPLAINT  
 )  
 United States of America, )  
 )  
 Defendant. )

Plaintiff, complaining of the above-named Defendant, would respectfully show unto the Honorable Court that:

## INTRODUCTION

1. This action is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671, and 2674.
2. On or about October 3, 2019 at the intersection of 12/S Church Street and 92/E Cheves Street in Florence County, South Carolina a United States Army National Guardsman ran a red light and collided with Plaintiff 's vehicle as she was lawfully proceeding through the intersection, injuring Plaintiff.
3. At least six (6) months prior to commencing this action, Plaintiff submitted an Administrative Claim Form SF 95 for the claim set forth above and below to the Claims Office at Fort Jackson, South Carolina, to the United States Army National Guard in Florence, South Carolina and to the National Tort Center in St. Louis, Missouri.
4. Plaintiff has met all conditions precedent to the Federal Tort Claims Act prior to commencing this lawsuit.

5. Venue is properly asserted in this District under 28 U.S.C. § 1402(b) because the acts and omissions complained of occurred in this judicial district.
6. At the time of the wreck, Plaintiff was a citizen and resident of South Carolina.

#### **JURISDICTION AND VENUE**

7. At the time of the wreck, Plaintiff was a citizen and resident of Florence, South Carolina, in Florence County, South Carolina.
8. The motor vehicle wreck that is the subject matter of this complaint occurred in Florence, South Carolina.
9. Venue is properly asserted in this District under 28 U.S.C. § 1402(b) because the acts and omissions complained of occurred in this judicial district.
10. This court has jurisdiction to entertain this action as it is brought under the FTCA.

#### **FACTUAL ALLEGATIONS**

11. Plaintiff realleges the preceding paragraphs as though repeated verbatim herein.
12. The motor vehicle wreck that is the subject matter of this complaint occurred when a United States Army National Guardsman ran a red light on October 3, 2019 at the intersection of 12/S Church Street and 92/E Cheves Street in Florence County, South Carolina and struck Plaintiff's vehicle who was lawfully proceeding through the intersection.
13. Plaintiff was unable to stop her vehicle to avoid being hit the National Guardsman's vehicle that had unlawfully, illegally and without due care ran the red light that controlled the intersection.

14. As a direct and proximate result of the wreck, Plaintiff's car was damaged and she suffered serious physical injuries.
15. Plaintiff was transported by ambulance to the hospital for treatment of injuries she sustained in the wreck.
16. Since the wreck Plaintiff continues to suffer due to the injuries she sustained.
17. Plaintiff's medical and other injuries were the direct and proximate result of Defendant's negligent, grossly negligent, and willful conduct as set forth more fully in this complaint.
18. Plaintiff's car was declared a total loss due to this wreck.

**FOR A FIRST CAUSE OF ACTION**  
**NEGLIGENCE**

19. Plaintiff re-alleges the allegations above as if repeated at length herein.
20. In operating a motor vehicle on the public roadways, Defendant had a duty to use reasonable and due care in the operation of its vehicle.
21. Defendant further had a duty to comply with all applicable traffic laws.
22. Defendant breached these duties in one or more of the following particulars:
  - a. In failing to yield right of way;
  - b. In running a red traffic light;
  - c. In failing to maintain proper control of their vehicle;
  - d. In failing to obey posted traffic signs;
  - e. In failing to keep their vehicle under control;
  - f. In failing to keep a proper lookout;
  - g. In failing to abide by applicable traffic laws;
  - h. In failing to maintain their vehicle in proper working order; and

- i. Such other particulars as may be learned during discovery or at the trial of this matter.
23. As a direct and proximate result of Defendant's negligent and/or unlawful acts as described more fully above, Plaintiff suffered property damage; was physically injured; spent money for medical care and treatment and suffered such other actual, consequential, and/or special damages as may be learned during discovery and/or proven at the trial of this matter.
24. On information and belief, Plaintiff is entitled to judgment against Defendant for all actual, consequential, and special damages as allowed by law.

**FOR A SECOND CAUSE OF ACTION**  
(Negligence Per Se)

25. Plaintiff realleges the preceding paragraphs as though repeated verbatim herein.
26. At all times relevant to this complaint Defendant was operating a motor vehicle on a public roadway in South Carolina and was charged with knowledge of the applicable South Carolina laws.
27. In running a red light, Defendant violated South Carolina Code Annotated § 56-5-950.
28. In general, the violation of a statute ordinarily establishes the per se negligence of the offending driver.
29. Defendant violated South Carolina statutory law by failing to yield to the proper right-of-way when he disobeyed the traffic signal and proceeded to strike Plaintiff's vehicle and failing to use due and reasonable care, among other particulars.

30. Defendant's statutory violations constitute reckless, willful, and wanton behavior.

31. As a result of Defendant's recklessness, Plaintiff incurred substantial injuries and damages.

32. On information and belief, Plaintiff is entitled to judgment against Defendant for all actual, consequential, and special damages as allowed by law.

**WHEREFORE**, Plaintiff prays that judgment be rendered for the Plaintiff and against the Defendant for all actual, consequential, and special damages, the cost of this action, and for such other relief in law or equity as the Court may deem just and proper.

Respectfully submitted,

s/ Robert D. Dodson  
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*Attorney for the Plaintiff*

Columbia, South Carolina  
April 16, 2021